

## PENDING CLAIMS AS AMENDED

Please amend the claims as follows:

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1. (Original) A method for generating a congestion indicator, comprising:  
determining an outerloop threshold as a function of a desired threshold, measuring a  
congestion metric;  
comparing the congestion metric to the desired threshold; and  
updating the outer loop threshold in response to comparing the measured congestion  
metric to the desired threshold.
2. (Original) The method as in claim 1, wherein the congestion metric is a  
Rise-Over-Thermal measurement.
3. (Original) The method as in claim 1, further comprising:  
comparing the congestion metric to the outerloop threshold; and  
transmitting a congestion indicator in response to comparing the congestion metric to the  
outerloop threshold.
4. (Original) The method as in claim 1, wherein updating the outerloop  
threshold further comprises:  
subtracting a first value  $\Delta$  from the outerloop threshold in response to a first result of  
comparing the congestion metric to the desired threshold; and  
subtracting a second value  $\delta$  from the outerloop threshold in response to a second result  
of comparing the congestion metric to the desired threshold.
5. (Original) The method as in claim 4, wherein a ratio of  $\Delta$  to  $\delta$  corresponds  
to a probability of exceeding the desired threshold of the congestion  
metric.
6. (Original) In a wireless communication system, an apparatus, comprising:

congestion metric measurement unit operative measure a congestion metric of the wireless system; and  
outerloop threshold adjustment unit operative to determine an outerloop threshold as a function of a desired threshold.

7. (Original) The apparatus as in claim 6, further comprising:  
a comparator coupled to the congestion metric measurement unit and the outerloop threshold adjustment unit, operative to determine a next congestion indicator in response to comparing a measured congestion metric to the outerloop threshold.

8. (Original) The apparatus as in claim 6, further comprising:  
a second comparator coupled to the congestion metric measurement unit and the outerloop threshold adjustment unit, operative to compare the measured congestion metric to a desired threshold, wherein the outerloop threshold adjustment unit adjusts the outerloop threshold in response to the second comparator.

9. (Original) The apparatus as in claim 8, wherein the outerloop threshold adjustment unit comprises:  
first means for adjusting the outerloop threshold by subtracting a first value  $\Delta$  from the outerloop threshold in response to a first result of comparing the congestion metric to the desired threshold; and  
second means for adjusting the outerloop threshold by subtracting a second value  $\delta$  from the outerloop threshold in response to a second result of comparing the congestion metric to the desired threshold,  
wherein a ratio of  $\Delta$  to  $\delta$  corresponds to a probability of exceeding the desired threshold of the congestion metric.

10. (Original) The apparatus as in claim 9, wherein the first means is a set of computer-readable instructions stored on a computer-readable storage unit,

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and the second means is a second set of computer-readable instructions stored on the computer-readable storage unit.

11. (Original) The apparatus as in claim 9, wherein the outerloop threshold adjustment unit initializes the outerloop threshold to the desired threshold.
12. (Original) The apparatus as in claim 9, wherein the outerloop threshold adjustment unit determines the outerloop threshold having a predetermined margin with respect to the desired threshold.
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